



CITY OF HAYWARD

AGENDA REPORT

AGENDA DATE 07/11/00

AGENDA ITEM 3

WORK SESSION ITEM _____

TO: Mayor and City Council

FROM: Director of Community and Economic Development

SUBJECT: Review of Use Permit No. 96-160-17 – Mission Paradise Bar and Grill and Banquet Hall, Shahpur and Gulalai Rahimi (Business Owner), Toro Development (Property Owner) – The Site is Located at 31113/3 1115 Mission Boulevard (Fairway Park Shopping Center), in a CN (Neighborhood Commercial) Zoning District

RECOMMEDATION:

It is recommended that the City Council accept this status report.

BACKGROUND:

On September 10, 1996, the City Council, on appeal, approved a use permit to expand a banquet facility to include the adjacent bar. The bar area was to also serve as a restaurant. Council asked that the staff monitor the activities and report back.

In March 14, 2000, staff reported on the operation from December 1997 through 1999. However, the bar/restaurant area had been closed for several months for remodeling, and City Council directed staff to report back on that aspect of the operation after the restaurant had been operating a few weeks.


Staff visited the restaurant on June 21, 2000. The restaurant serves both lunch and dinner. The size of the actual bar has been reduced by half and relocated to a remote corner in the restaurant area. Staff found the restaurant to be pleasantly decorated and clean, the menu to be varied (American and Afghan cuisine), and the food to be tasty. No alcoholic beverages were listed on the menu, none were offered, and there was no display of liquor bottles or glasses in the restaurant.

Notice of the City Council meeting was provided to the Fairway Park Neighborhood Task Force members, Fairway Park Neighborhood Association and neighboring property owners and residents. It was ~~emphasised~~ that this is a Council report and not a public hearing on the conditional use permit.

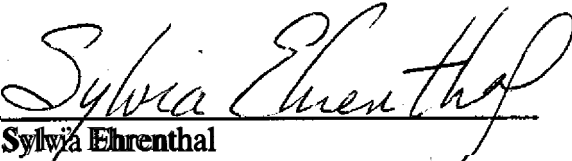
Staff believes that business owners have demonstrated a willingness and capability of compliance with the conditions of approval. Should the owners fail to comply with the conditions in the

future, the Planning Director has the discretion to refer the matter to the Planning Commission for review with the possibility of revocation of the conditional use permit.

Prepared by:


Dyana Anderly, AICP
Planning Manager

Recommended by:

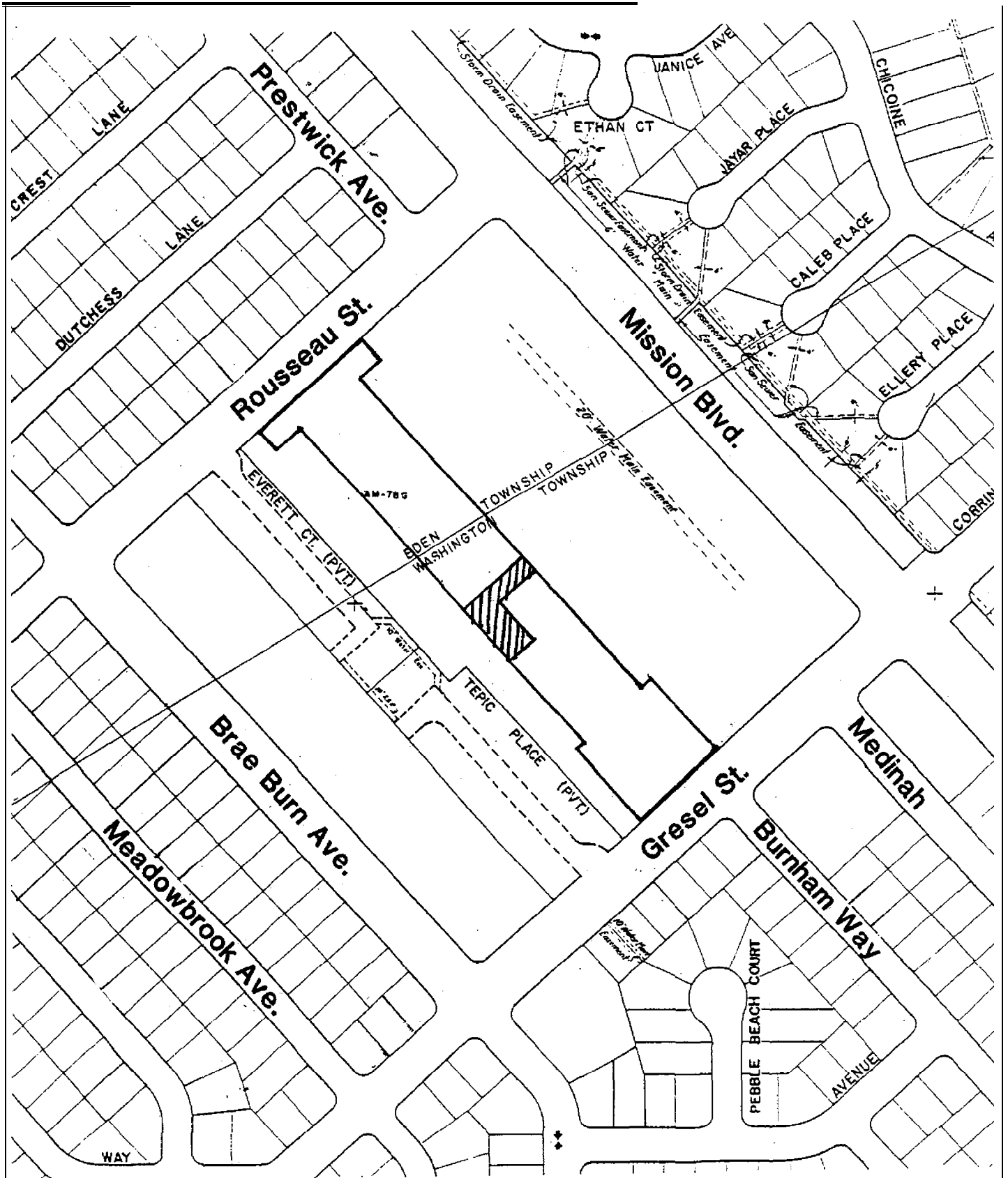

Sylvia Ehrenthal
Director of Community and Economic Development

Approved by:


Jesús Armas, City Manager

Attachments: Exhibit A – Area Map
Exhibit B – City Council Minutes, March 14, 2000

EXHIBIT A



AREA MAP ■ UP 96-160-17
Mission Paradise Bar, Grill and Banquet Hall
31113 and 31115 Mission Blvd.



MINUTES OF ~~THE~~ SPECIAL JOINT MEETING
OF THE CITY COUNCIL/REDEVELOPMENT
AGENCY OF THE CITY OF HAYWARD
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, March 14, 2000, 8:00 p.m.

Staff report submitted by Redevelopment Director Bartlett, dated March 14, 2000, was filed.

Redevelopment Director Bartlett made her report. She indicated that Albertson's has tried to acquire the property. The Agency has tried to mediate the settlement. They requested a resolution of necessity. Tenants include Greyhound, and others.

Council Member Ward asked about the reimbursement including staff time and attorney's fees.

Redevelopment Director Bartlett responded that Albertson's has already reimbursed the City.

Mayor/Chair Cooper opened the public hearing at 8:42 p.m.

Frank Goulart, 22224 Prospect Street said he was bothered that eminent domain was being used for big business and not for the people. He said he just objects to the law.

Mayor/Chair Cooper responded that the Redevelopment Agency is formed to help turn the blight around. As a result, quite frequently eminent domain needs to be implemented.

Mayor/Chair Cooper closed the public hearing at 8:44 p.m.

Council Member Henson asked whether the owner was invited to make a proposal' for the property.

Redevelopment Director Bartlett responded that they were but nothing came forward.

It was moved by Council/RA Member Dowling, seconded by Council/RA Member Henson, and unanimously by all present, to approve the following:

RA Resolution 00-08, "Resolution of Necessity Declaring a Public Need for and Authorizing the Acquisition and Immediate Possession by Eminent Domain Proceedings or Otherwise of Real Property Located at 22559 Watkins Street, 770 "B" Street, 780 "B" Street and an Appurtenant Easement in Furtherance of the Downtown Hayward Redevelopment Plan"

LEGISLATIVE BUSINESS

9. Review of Use Permit Application No. 96-160- 17 - Mission Paradise Bar and Grill and Banquet Hall, Shahpur and Gulafai Rahimi (Applicants), Toro Development Company (Owners) - Located at 31113 & 31115 Mission Boulevard in the Fairway Park Shopping Center, Zoned Neighborhood Commercial

Staff report submitted by Planning Manager Anderly, dated March 14, 2000, was filed.

Planning Manager Anderly provided a review of the Use Permit and indicated that it was informational only. In 1996, a use permit was granted for hard liquor. They acquired the bar next door. Police calls came ~~from~~ the premises itself. The Planning Commission was given the impression ~~that~~ dining facilities were planned and the business intended to function as a bar/grill.

At this point ~~there~~ has been no emphasis on food service. She reported that just recently, they closed the bar area, cut it in half and intend to reopen and serve American/Afghan food.

Council Member Hilson asked about the letters that they received which indicate that there is no restaurant, but only a bar.

Planning Manager Anderly commented that during a staff visit, they were able to order food, but it was difficult. The operation was not set up for dining.

Council Member **Hilson** asked whether the conditions set by the City for the Use Permit required food service at the bar.

Planning Manager Anderly indicated that they did not. She added that she was sure that the Commission believed that to be the intent when they granted the permit for liquor.

Council Member **Dowling** asked the owners about the letters regarding the bar and what future plans they may have.

The response was that they would be opening a restaurant. The bar would be available only for table service. They were hoping to reopen at the end of March,

Council Member Dowling said it was his **recollection** as a member of the **Planning** Commission that the applicant was planning to use the bar to function **only** as an auxiliary to the banquet facilities.

The owner responded that the plan is, if there is no banquet scheduled, there will be no bar service.

Council Member Benson added his recollection that many of the problems and police calls were with previous owner.

Planning Manager Anderly agreed that it was the previous owners who had difficulties. The present owners have had a considerable decrease in the number of police calls.

Council Member Ward asked again when the renovated facility would reopen.

The owner 'indicated by end of **this** month.



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Council Member Ward suggested **that** Council take no action until the applicant has reopened and improvements have been made.

Council Member **Jimenez** asked about the applicants' **willingness** to comply with conditions of **approval**. Staff and **Planning** Commission feel this **could** be a viable business.

Planning Manager Anderly replied that both staff and the Planning Commission believe **this** could be a viable business.

Council Member Hilson added that he had a memory of the discussion of food service and wanted assurance that the food service would be available. He said he wanted to assure the neighbors that the City is aware of their concerns.

City Manager **Armas** **indicated** that there is very little information readily available on the history of the application since most of the tapes would have been destroyed. Staff has to rely on the minutes for an answer.

Council Member Hilson said this is simply a report and not a vehicle to change anything. What would be required to get the applicant to have food service at the bar?

City Manager **O'Toole** suggested that Council simply accept the report. If further information is needed staff can be requested to report back and/or add a condition for food service.

Mayor/Chair Cooper opened/closed the public hearing at 9:00 p.m.

Council Member Ward moved, seconded by Council Member Rodriguez, to postpone further action until four weeks from now.

After considerable discussion regarding the time necessary to allow the applicant to initiate service and for staff to review the facility and prepare a report, Council Member Ward amended the motion.

Council Member Ward moved, seconded by Council Member Rodriguez, and unanimously carried to ask staff to review the subject property for compliance with the implied intention of the conditions for use as a restaurant/bar facility of serving food with alcohol on the premises. The item was continued to a future date to be determined by staff in conjunction with the applicant.

Mayor Cooper then complimented the applicant on the beautiful banquets and events they do.

PUBLIC COMMENTS

Jason **Moreno**, 25200 Carlos Bee Boulevard, thanked everyone who voted but particularly those who voted for the challengers. He added that they would continue to criticize the Council and inform the public in order to make changes.

Francisco Abrantes, 22815 Alice Street, commented on the number of votes he received and the cost per vote in comparison with the incumbents.

Frank Goulart, 22224 Prospect Street, also thanked everyone for voting and congratulated each of the winners. This is the way democracy works, he said.

Lyndley Ferchel, 804 **Pinedale** Court, described the problems on his street as a result of the construction of the Hampton Inn construction.

Mayor Cooper told him staff would contact him in order to help with all of his problems.

Council Member Dowling asked that staff report back on the results of their findings and any solutions that were enacted.

Council Member Hilson asked whether the Council would have a role in solving sidewalk damage when it has been done by an identified third party.

John Neath, 681 **Longwood** Avenue, referred to an article in the Daily Review which indicated that the City is asking the District Attorney to look at fraud by two former candidates. He criticized the City and defended the two men saying they were well intentioned, He argued that it was sent only to the people who signed the petition against Home Depot.

Sheila Jung, 22741 Souza Court **#4**, asked about the previous Council consideration on moving public comments back to the beginning of the meeting.

~~COUNCIL REPORTS~~

~~Since members had just returned from a conference for the League of California Cities, Mayor Cooper suggested they save their reports until next week.~~

~~ADJOURNMENT~~

~~Mayor Cooper asked Council Member **Rodriguez** to adjourn the meeting at 9:27 p.m., in memory of two recently deceased **long-time Hayward residents**, Emma Bennett, mother of Planning Commissioner Linda Bennett and Joan Frumpkin, **mother** of Paul Frumpkin III, who works in Supervisor Steel's office.~~